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W.P.Nos.30580 of 2013 & 10736 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.30580 of 2013 & 10736 of 2014

and

M.P.No.1 of 2014

W.P.No.30580 of 2013

P.Thanakode

... Petitioner

Vs.

1.Presiding Officer,
Labour Court at Pondicherry,
Pondicherry.

2.Management,
Abirami Soap Works,
R.S.No.90/1A, 18, 2 Sembapalayam,
Kokadu Post,
Puducherry – 605 110.

... Respondents

W.P.No.10736 of 2014

Managing Director,
Abirami Soap Works,
R.S.No.90/1A, 1B, 2 Sembapalayam,
Kokadu Post,
Puducherry – 605 110.

... Petitioner

Vs.



W.P.Nos.30580 of 2013 & 10736 of 2014

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1. Presiding Officer,
Labour Court at Pondicherry,
Pondicherry.

2. P. Thanakode

... Respondents

Prayer in W.P.No.30580 of 2013 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the concerned records from the 1st respondent, quash the Award passed by the 1st respondent Labour Court dated 23.07.2013 in I.D.No.15 of 2012 in so far as not granting the relief of reinstatement, back wages and other statutory benefits and consequently direct the 2nd respondent to reinstate the petitioner with full back wages, continuity of service and all other attendant benefits.

Prayer in W.P.No.10736 of 2014 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records on the file of the 1st respondent connected with I.D.No.15 of 2012 and quash the award dated 23.07.2013.

W.P.No.30580 of 2013

For Petitioner : Mr. Balan Haridas

For Respondents : Labour Court [R1]
Mr. S. Ravindran
Senior Counsel
for M/s. John Zacharia [R2]



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W.P.No.10736 of 2014

For Petitioner : Mr.S.Ravindran
Senior Counsel
for M/s.John Zacharia

For Respondents : Labour Court [R1]
Mr.Balan Haridas [R2]

COMMON ORDER

Since the issue involved in these writ petitions are one and the same, with the consent of the learned counsel appearing for the parties, these writ petitions were heard together and disposed of by way of this common order.

2. For brevity, the petitioner in W.P.No.30580 of 2013 is hereinafter referred to as workman and the petitioner in W.P.No.10736 of 2014 is hereinafter referred to as management.

3. The workman joined the management in the year 2004 and he was not provided with proper salary slip, identity card and he was not



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allotted P.F. Therefore, the workman with the help of union, agitated against the management and for all the basic amenities and needs of the workers through Union, by which, they gathered the displeasure of the management, thereby, he was issued with charge memo and after conducting enquiry, he was terminated on 25.10.2010. Aggrieved by the same, the workman raised an industrial dispute in I.D.No.15 of 2012 and the Labour Court partly allowed the I.D. holding that the workman is not entitled for reinstatement with continuity of service, back wages and other statutory benefits, however, ordered a sum of Rs.80,000/- as monetary compensation in favour of the workman. Challenging the same, both the workman as well as the management filed the present writ petitions before this Court.

4. When the matter is taken up for hearing today, learned Senior Counsel appearing for the management submitted that, for the similarly situated persons, the management has given a sum of Rs.5,00,000/- as compensation and the said compensation may be fixed to the workman herein also.



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5. The workman has appeared before this Court along with his counsel and submitted that he is ready to receive a sum of Rs.5,00,000/- as compensation from the management.

6. In view of the fair submissions made by the learned counsel for the parties and the workman, this Court modifies the impugned award passed by the Labour Court as follows :-

(i) the management is directed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only), as compensation, in full quit, by way of Demand Draft, to the workman, within a period of four (4) weeks from the date of receipt of a copy of this order.

7. With the above modification, these Writ Petitions are disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

18.02.2025

Index : Yes / No
Speaking order / Non-speaking order



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Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

sp

To

The Presiding Officer,
Labour Court at Pondicherry,
Pondicherry.

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18.02.2025